

1 Delegate Henderson if this amendment were adopted for
2 application to district court, in your opinion would that
3 foreclose the defendant's right to a jury of 12 and
4 unanimous verdict and would it foreclose under those cir-
5 cumstances his election to take his case to the superior
6 court where he would be guaranteed a trial and unanimous
7 verdict by a jury of 12?

8 THE CHAIRMAN: Delegate Henderson.

9 DELEGATE HENDERSON: I should think if the
10 Constitution permits a six-man jury in the district court
11 that that would be the jury to which he is entitled and
12 the only jury to which he is entitled.

13 That would be the very purpose, I think, be-
14 cause in many instances now, as we know, when we had these
15 magistrates who were in many cases laymen and no more
16 than justices of the peace before the movement to set up
17 People's Courts came about, it was really necessary to
18 take these appeals and to give the accused every right to
19 get to the higher level as soon as possible, either by
20 electing a jury trial or appeal, and then having a trial
21 de novo which was a pure duplication.